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<sup>9</sup>USD@SDNY<sup>3</sup> DOCUMENT

ELECTRONICALLY FILED

UNITED STATES DISTRICT COURT DOC #:\_\_\_\_\_SOUTHERN DISTRICT OF NEW YORK DATE OF THE ED:

HILED: 8/7/19

IN RE MARKEL CORPORATION SECURITIES LITIGATION

Master File No.: 1:19-cv-00319-RA

## NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO FED. R. CIV. P. 41(A)(1)

Christopher Miles ("Lead Plaintiff"), by and through his attorneys of record, HEREBY GIVES NOTICE that, pursuant to Federal Rule of Civil Procedure 41(a)(1), he voluntarily dismisses this action, and further states as follows:

WHEREAS, plaintiff David Bergen filed his initial complaint on January 11, 2019;

WHEREAS, Lead Plaintiff moved the Court for appointment as lead plaintiff and selection of Levi & Korsinsky, LLP ("Lead Counsel") as lead counsel on March 12, 2019;

WHEREAS, on April 12, 2019, the Court granted Lead Plaintiff's motion and advised the parties on the appropriate timeframe for amendment of the pleadings and briefing on a motion to dismiss, should defendants Markel Corporation, Alan I. Kirshner, Thomas S. Gayner, Richard R. Whitt III, Anne G. Waleski, and Jeremy A. Noble ("Defendants") elect to move to dismiss Lead Plaintiff's amended pleadings;

WHEREAS, the parties had previously agreed, and the Court had approved, that Lead Plaintiff should file his first amended complaint on June 7, 2019, Defendants should answer or move with respect to the first amended complaint on or before August 2, 2019, Lead Plaintiff should file opposition on or before September 27, 2019, and Defendants should reply on or before October 28, 2019;

WHEREAS, Lead Plaintiff sought consent from Defendants for an additional thirty days in which to file his first amended complaint, and Defendants so consented;

WHEREAS, by order dated May 21, 2019, the Court ordered an extension of time directing

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that the Amended Complaint be filed on or before July 8, 2019;

WHEREAS, Lead Plaintiff sought consent from Defendants for a further extension of time in which to file his first amended complaint, Defendants did not object to the request, and Lead Plaintiff requested, by and through Lead Counsel's letter to the Court dated July 2, 2019, an additional thirty days;

WHEREAS, the Court granted Lead Plaintiff's request and ordered that Plaintiff file his first amended complaint on or before August 6, 2019;

WHEREAS, Lead Plaintiff and Counsel have, from prior to their appointment through the period covered by both of the requested extensions, diligently investigated the claims for violations of federal securities laws, including through the use of an external investigative team in additional to attorneys at Lead Counsel's office;

WHEREAS, Lead Plaintiff is filing this notice of dismissal before any Defendant has served an answer or moved for summary judgment;

WHEREAS, Lead Plaintiff has not entered into any agreement with any Defendant concerning the voluntary dismissal of his claims, nor have Lead Plaintiff or Lead Counsel received any consideration in connection with this dismissal;

WHEREAS, Lead Plaintiff and Lead Counsel have decided to voluntarily dismiss the claims of Lead Plaintiff;

WHEREAS, no motion for class certification has been made;

WHEREAS, no class has been certified; and

WHEREAS, notice need not be disseminated to members of the putative class because no class has been certified, and the rights of absent class members will not be prejudiced by the voluntary dismissal of Lead Plaintiff's claims;

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PLEASE TAKE NOTICE that Lead Plaintiff hereby voluntarily dismisses this action pursuant to Federal Rule of Civil Procedure 41(a)(1)(A).

Dated: August 6, 2019

/s/ Gregory M. Nespole

Eduard Korsinsky (EK-8989) Gregory M. Nespole (GN-6820) Mark Levine (ML-0180) Christopher J. Kupka (CK-9010)

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Counsel for Lead Plaintiff and Lead Counsel for the Proposed Class

SO ORDERED:

HON. RONNIE ABRAMS

UNITED STATES DISTRICT JUDGE

8-1-19